

To: Burdick, Melanie[Burdick.Melanie@epa.gov]
From: Wilson, Kristina (DEQ)
Sent: Thur 8/25/2016 9:51:12 PM
Subject: FW: Latest : latest aerial imagery shows a clearly defined water flow not listed which is a source of water for wetlands, cedar swamp and what is listed a lower Boerner Creek.
Latest imagery shows significant water flow not listed under lower boerner creek.pdf
Streams Near Back 40 Project.pdf

Melanie,

I was just going through emails that have come in while I have been on medical leave and ran across this email that I thought you may be very interested in reviewing. The email is from [REDACTED] the property owner to the north of the Back Forty project area. He identified a stream channel on a recent (not dated) aerial image that he states is contiguous to the stream channel I identified on May 19th, just north of the project area. The stream channel that is visible on the aerial image is within the 0.5-2.5 ft drawdown contour and appears to be the headwaters for the stream I confirmed discharges to the Menominee River.

I have also attached the photos and approximate measurements of the streams that I located on May 19th. The first three photos are of the Lower Boerner Creek that [REDACTED] refers to in his comments.

Kristi Wilson

DEQ, Water Resources Division

1504 W Washington Street

Marquette, MI 49855

906-236-0380

From: [REDACTED] **Ex. 5 - Deliberative Process**
Sent: Friday, July 1, 2016 11:55 AM
To: Maki, Joe (DEQ) <MAKIJ3@michigan.gov>; Wilson, Kristina (DEQ) <WilsonK17@michigan.gov>; [REDACTED] **Ex. 5 - Deliberative Process**; [REDACTED] **Ex. 5 - Deliberative Process**
Ex. 5 - Deliberative Process Humphrey, Melanie (DEQ) <HUMPHREYM@michigan.gov>
Subject: Latest : latest aerial imagery shows a clearly defined water flow not listed which is a source of water for wetlands, cedar swamp and what is listed a lower Boerner Creek.

Joe,

My latest input;

At this date its pretty obvious Aquia's permit application contains a bunch of cut and pastes of general information gleaned from federal and state sites that is both vague and incomplete. Very little actual science was preformed on this area specific to what Aquila should have done. The attached is latest aerial imagery of the site adjacent to Aquila's tailing's ponds. it is after an area now being sold to Aquila was clear cut of trees. This show a clearly defined water flow not listed which is a source of water for wetlands, cedar swamp and for lower Boerner Creek.

It's not just in the water specific to the area in question do they cut and paste but on many critical points. In reading their most recent replies to the 197 questions the DEQ should deny the permit outright as their answers to questions should not be allowed simply to defer an answer to later date or to provide a pamphlet they had not hand in writing as to what a few "gold producers" write about how they should handle cyanide. How does that directly line-up with our area? It doesn't and they have expended no efforts in doing what is required.

How many do-overs are they allowed? At what point is the DEQ actually writing their permit if they allow to have an infinite amount of information changed, with no basis in fact but simply having changing their answers based on the DEQ questioning their data? It reminds me of that game when you hide something and when asked "am I close", the reply is "you're getting warmer",. If played long enough we all know the outcome, you find the hidden object. But was the hidden object found or was it given to them in a series of directions? The process with that game, as it is here, appears to be if allowed enough wrong answers they will eventually move to the answer the DEQ finds acceptable

Thank you,

Ex. 5 - Deliberative Process

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